

IFW/1648

MAR 03 2009

00046.04001

In the U.S. Patent and Trademark Office

Applicants: Hallowitz
Serial No.: 09/893,604
Filed: June 29, 2001
For: Methods for characterizing the viral infectivity status of a host

Group: 1648
Paper No.:
Examiner: Parkin, Jeffrey S.

Response to Interview – submission of oath or declaration

Applicant has reviewed the Interview Summary FAXed by the Office 2/24/2009, and submits the following in complete response thereto, and requests issuance of the application.

(1) The Declaration previously filed was signed by only two of the three inventors. Applicant submits herewith a new Declaration, of the same form as that previously submitted but signed by all three inventors. The new Declaration is properly executed and submitted within the time prescribed by the Office. MPEP 602; 35USC26.

(2) Applicant also submits herewith a separate Declaration, naming all three inventors and signed by the inventor who had not signed the Declaration previously submitted. In the event the Declaration under (1) is insufficient, Applicant submits that the separate Declaration and the previously-filed Declaration, satisfy the requirements of MPEP 602.02: "Where neither the original oath or declaration, nor the substitute oath or declaration is complete in itself, but each oath or declaration names all of the inventors and the two taken together give all the required data, no further oath or declaration is needed."

Respectfully submitted,

V. Gerald Gafe
Registration Number: 42,599
P.O. Box 2689
Corrales, NM 87048

Feb. 27, 2009
date

Certificate of Mailing

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Feb. 27, 2009

date

name

RECEIVED: 1/17/02 3:55PM; ->DIA-TECH IMAGING, INC.: #5000; PAGE 2

Jan-17-02 04:38pm From: MILLER, THOMAS ZELANO & BRANIGAN

7032438410

T-485 P.02/05 F-116

#3

09893604 - GAU: 1648

Receipt date: 03/18/2003

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Includes Reference to PCT International Applications)ATTORNEY'S DOCKET NUMBER
BIOTI-11

As below named inventor, I hereby declare that:

MAR 03 2003

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS FOR CHARACTERIZING THE INFECTIVITY STATUS OF A HOST

the specification of which (check only one item below):

is attached hereto.

was filed as United States application

Serial No. 09/503,604

on June 29, 2001

and was amended

on _____ (if applicable).

was filed as PCT international application

Number _____

on _____

and was amended under PCT Article 19

on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

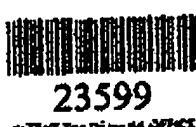
I hereby claim priority benefits under Title 35, United States Code, § 119 or 365 (b) of the following United States provisional application(s) and of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR U.S. PROVISIONAL AND FOREIGN/PCT APPLICATIONS AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (or PCT, where "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
United States	60/215,075	30 JUNE 2000	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PCT	PCT/US97/19849		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

POWER OF ATTORNEY: As a named inventor, I hereby appoint T. William Miller (19,349); John L. White (17,746); Anthony J. Zelano (27,969); Alan E.J. Branigan (20,565); John B. Blodis (20,383); Harry B. Shubin (22,604); Brian P. Heaney (22,542); Richard J. Traverso (30,593); John A. Sopp (33,403); Richard M. Lebowitz (37,067); John H. Thomas (33,460); James E. Rutland (37,432); Nancy A. CIRM (44,014); Jennifer J. Branigan (40,921); Robert E. McCarthy, (46,044); and Jonathan G. Brown (47,451) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence to Customer No. 23599

Telephone No.
703/243-6333Direct Telephone Calls to
Richard Lebowitz

23599

PATENT TRADEMARK OFFICE

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Jan-17-02 04:37pm From: MILLER, WHITE, ZELAND & BRANIGHAN T032436418 T-485 P-03/05 F-116

Receipt date: 03/18/2003

09893604 - GAU: 1648

Combined Declaration for Parent Application and Power of Attorney (Continued) (used for PCT International Applications)				Attorney/Document Control BLOTH-11
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
1	POST OFFICE ADDRESS	Newmarket	32-101 Maryland	UNITED STATES
		Aurora, CO	CO 80612	
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
2	POST OFFICE ADDRESS	Frederick	Maryland	UNITED STATES
		STREET	CITY	STATE & ZIP CODE/COUNTRY
		465 Arwell Court	Frederick	Maryland 21702/USA
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
3	POST OFFICE ADDRESS	Frederick	Maryland	UNITED STATES
		STREET	CITY	STATE & ZIP CODE/COUNTRY
		6512 Springwater Court, #4402	Frederick	Maryland 21701/USA
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
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5	POST OFFICE ADDRESS	STREET	CITY	STATE & ZIP CODE/COUNTRY
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0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
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0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
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Jan-17-02 04:37PM From: MILLER, WHITELAND & BRANICKI

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T-405 P.04/05 P-116

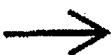
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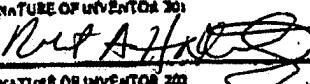
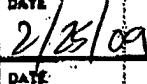
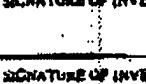
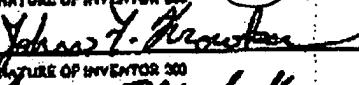
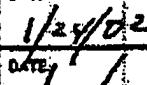
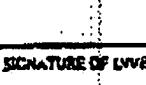
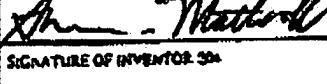
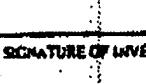
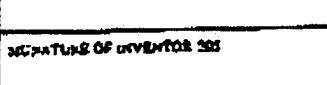
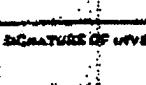
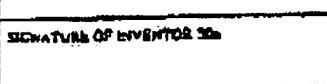
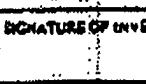
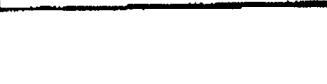
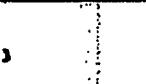
09893604 - GAU: 1648

Combined Declaration for Patent Application and Power of Attorney (Continued) <small>(Includes Reference to PCT International Application)</small>			
			ATTORNEY'S CONTACT NUMBER BIOTI-11

2 0 8	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE & ZIP CODE/COUNTRY
2 0 9	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE & ZIP CODE/COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 101 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



SIGNATURE OF INVENTOR 201 	DATE 	SIGNATURE OF INVENTOR 207 	DATE
SIGNATURE OF INVENTOR 202 	DATE 	SIGNATURE OF INVENTOR 208 	DATE
SIGNATURE OF INVENTOR 203 	DATE 	SIGNATURE OF INVENTOR 209 	DATE
SIGNATURE OF INVENTOR 204 	DATE	SIGNATURE OF INVENTOR 210 	DATE
SIGNATURE OF INVENTOR 205 	DATE	SIGNATURE OF INVENTOR 211 	DATE
SIGNATURE OF INVENTOR 206 	DATE	SIGNATURE OF INVENTOR 212 	DATE



DECLARATION

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Methods for Characterizing Viral Infectivity Status of a Host**, which was filed on 06/29/2001, and assigned serial number 09/893,604.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim the benefit of priority of the following US provisional application listed below.

Provisional application filing number	Filing date
60/215,075	30 June 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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date

John Krowka

date

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